



## *Report to the Auburn City Council*

Action Item  
Agenda Item No. **8**

*[Signature]*  
City Manager's Approval

**To:** Mayor and City Council Members  
**From:** Reg Murray, Senior Planner *[Signature]*  
**Date:** October 14, 2013  
**Subject:** Ordinance Amendment – Regional Commercial – Emergency Shelter Zone District; Transitional Housing; and Supportive Housing (File 301.3(bb))

### *The Issue*

Should the City Council introduce for First Reading an Ordinance which establishes the Regional Commercial - Emergency Shelter (C-3-ES) zone district, develops standards for permanent and temporary emergency shelters, and permits Supportive and Transitional Housing in the Medium Density Multiple-family Residential (R-3) zone district. The new C-3-ES zone district will include all permitted and conditionally permitted uses allowed in the C-3 zone and add emergency shelters as a permitted use, subject to development standards.

### *Recommended Motion (Denial)*

On Tuesday, September 17, 2013, the Auburn Planning Commission recommended, by a vote of 5-0, that the Auburn City Council take the following action:

- A. By Motion, deny the Ordinance Amendment to establish the Regional Commercial - Emergency Shelter (C-3-ES) zone district.

### *Alternative Motion (Approval)*

If the City Council supports the creation of the Regional Commercial - Emergency Shelter (C-3-ES) zone district to allow emergency shelters, staff recommends the following actions:

- B. By Motion, adopt a Statutory Exemption prepared for the Ordinance as the appropriate level of environmental review in accordance with Section 15061 (b)(3) of the California Environmental Quality Act (CEQA) and Guidelines;
- C. By Motion, adopt the following Findings of Fact for approval of an Ordinance which establishes the Regional Commercial - Emergency Shelter (C-3-ES) zone district and permits transitional and supportive housing in the R-3 zone:
1. The Ordinance implements State law;
  2. The Ordinance is consistent with the Auburn General Plan Housing Element; and
  3. The Ordinance is the minimum necessary to protect the public interest, health, safety and general welfare.

- D. By Motion, introduce and hold a First Reading, by title only, of the attached Ordinance (Exhibit A) which establishes the Regional Commercial - Emergency Shelter (C-3-ES) zone district and permits transitional and supportive housing in the R-3 zone.

### **Background**

In 2007, the State enacted Senate Bill 2 (SB 2) which amended California Government Code Section 65583 by requiring that jurisdictions plan for emergency shelters in the Housing Element (Element) of the General Plan. With SB 2, jurisdictions must identify at least one zone district that can accommodate at least one year-round emergency shelter; and, emergency shelters must be allowed as a permitted use (i.e. jurisdictions cannot require a use permit or other discretionary permit). An emergency shelter is generally defined as housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less.

The Auburn Planning Commission and the Auburn City Council have considered different options to satisfy the SB 2 requirements at several meetings over the last several months:

- March 5, 2013 – Commission review of the initial proposal for the Industrial (M-2) zone.
- April 8, 2013 – Initial City Council review of the M-2 zone.
- May 13, 2013 – City Council takes no formal action on the M-2 zone proposal and provides direction to consider a zone overlay process and two potential overlay sites on Nevada Street and Wall Street.
- July 2, 2013 - Planning Commission review of an overlay ordinance and Rezone proposals for overlay sites on Nevada Street and Wall Street.
- July 22, 2013 - City Council reserves decision on the overlay ordinance and denies the Rezone proposals for the overlay sites on Nevada Street and Wall Street.
- July 29, 2013 - City Council public bus tour looking at site alternatives.

The Auburn City Council most recently met on August 12, 2013 to consider new alternatives. Based on public input and Council deliberation, the City Council identified several lots along Auburn Ravine Road, north of Elm Avenue (Attachment 1) as potentially appropriate locations for emergency shelters. Since all of the lots are located within (and surrounded by) the Regional Commercial (C-3) zone district, Council directed staff to create a new zone district that would tier off of the C-3 zone district and add emergency shelters as a permitted use type (i.e. a new Regional Commercial – Emergency Shelter (C-3-ES) zone district).

Based on Council direction, staff prepared a new code amendment which creates the Regional Commercial – Emergency Shelter (C-3-ES) zone district (see Exhibit A). The new zone district permits emergency shelters “by right;” therefore, this new zone district will satisfy the State requirements of SB 2. The code amendment also includes development standards, as permitted by SB 2, relating to the establishment and operation of emergency shelters.

The Auburn Planning Commission reviewed the proposed code amendment for the new C-3-ES zone district on Tuesday, September 17, 2013. The Planning Commission stated that the Regional Commercial (C-3) zone district was not an appropriate zone for emergency shelters and

recommended that the City Council deny the proposed ordinance. The Planning Commission also reiterated their prior recommendations supporting the Industrial (M-2) zone district. The minutes from the September 17<sup>th</sup> Planning Commission hearing are provided as Attachment 2; the staff report is provided as Attachment 1.

A separate Rezone entitlement (see file RE 13-03) which rezones the nine (9) lots in the Auburn Ravine Road project area from C-3 to C-3-ES, is being processed concurrent with this code amendment.

### **Proposed Ordinance**

The proposed ordinance (Exhibit A) reflects the code amendments necessary to establish the Regional Commercial - Emergency Shelter (ES) zone district. The ordinance also includes the development standards for emergency shelters and includes various revisions based on City Council direction at prior public hearings. The code amendments, including the Council changes, are detailed in the Planning Commission staff report (Attachment 1) and summarized below:

1. **Definitions (Exhibit A; Section One)** – The proposed ordinance provides several definitions, including ones for “Emergency Shelter,” “Institutional Use,” “Supportive Housing,” and “Transitional Housing.” The ordinance also includes a revised definition for “Family” to be consistent with current law.
2. **Supportive & Transitional Housing (Exhibit A; Section Two)** – Senate Bill 2 mandates that local jurisdictions permit “transitional housing” and “supportive housing,” with such housing treated the same as any other residential use property (i.e. as a use permitted by right). The proposed ordinance specifies that Supportive Housing and Transitional Housing will be permitted by right in the Multi-family Residential (R-3) zone district. In general, transitional housing means buildings configured as rental housing, but operated under program requirements that call for the termination of assistance and the recirculation of the unit to another eligible program recipient at some predetermined point in the future which shall be no less than six months; while supportive housing means housing with no limit on the length of stay that is occupied by a particular target population (generally, low income and disabled persons).
3. **Regional Commercial - Emergency Shelter Zone Established (Exhibit A; Section Three)** – This section amends Section 159.015 of the Auburn Municipal Code by adding the Regional Commercial - Emergency Shelter (C-3-ES) zone district.
4. **Regional Commercial - Emergency Shelter Zone District (Exhibit A; Section Four)** – Section Four details the Regional Commercial – Emergency Shelter (C-3-ES) zone district, including permitting and associated development standards. Pursuant to Section 159.047(B), permanent shelters will be allowed in the C-3-ES zone district; and, as required by SB 2, shelters will be permitted by right (i.e. allowed without the need for any additional discretionary action such as a use permit). Senate Bill 2 also allows jurisdictions to include development standards for permanent emergency shelters, but only in specific categories. Section 159.047(C) details the development and management standards applicable to emergency shelters:

- a. Occupancy – Permanent emergency shelters would be allowed to have up to twenty-five (25) occupants at any one time. This development standard has received considerable discussion in the past, with recommendations by staff, the Planning Commission, and Council ranging between 15-30 persons. The current draft reflects the City Council's direction from the meeting on July 22<sup>nd</sup>.
  - b. Parking Requirements – The proposed ordinance requires that emergency shelters provide a minimum of one parking space for each staff member plus one parking space for every four residents. This standard reflects direction from the City Council at their July 22<sup>nd</sup> hearing.
  - c. Management – The management standards are consistent with prior drafts and include two revisions by the City Council: *Item 3.a* – The number of on-site staff was increased from one (1) to two (2); and, *Item 3.d* – The shelter will maintain a list of residents, that list will be available to the Police Department upon request, and management will notify the Police Department if they remove a resident from the facility.
  - d. Facilities – The proposed ordinance specifies that shelters provide certain minimum facilities. The list of facilities reflects prior recommendations by the City Council including a common area for use by the occupants, laundry facilities, and a minimum of two showers.
  - e. Operations Plan – The ordinance includes a requirement that the shelter provide the City with a plan detailing how the facility will be operated.
5. **Temporary Emergency Shelters (Exhibit A; Section Five)** – This section allows temporary emergency shelters as part of an institutional use and also includes development standards for temporary shelters.

### **Public Comment and Correspondence**

Public comment received during the September 17<sup>th</sup> public hearing was largely in opposition to the request, with one individual supporting the C-3-ES designation. Comments from the meeting are summarized in the Planning Commission minutes (Attachment 2).

The Planning Commission received one letter from the public prior to the September 17<sup>th</sup> hearing (Attachment 3). The letter, from Otto Fox on behalf of Kenneth and Georgia Fox, expresses opposition to the proposed ordinance.

Following the September 17<sup>th</sup> Planning Commission hearing, the Community Development Department is in receipt of one letter addressing the proposed zone district. The letter, also from Otto Fox, again expresses opposition to the ordinance and suggests consideration of other alternatives (see Attachment 4).

### **Environmental Determination**

In accordance with Section 15061 (b)(3) of the California Environmental Quality Act (CEQA) and Guidelines, a project is exempt from CEQA if the activity is covered by the general rule that

CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is not possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Auburn Community Development Department reviewed this project as required by CEQA and found it to be Statutorily Exempt from the provisions of CEQA per §15061(b)(3).

**Alternatives Available; Implications of Alternatives**

1. Deny the Ordinance to create the Regional Commercial – Emergency Shelter (C-3-ES) zone district as recommended by the Planning Commission.
2. Introduce for first reading the Ordinance to create the Regional Commercial – Emergency Shelter (C-3-ES) zone district.
3. Continue consideration of the Ordinance creating the Regional Commercial – Emergency Shelter (C-3-ES) zone district and direct staff to provide additional information.
4. Do not adopt the Ordinance for the Regional Commercial – Emergency Shelter (C-3-ES) zone district and provide direction to staff to pursue alternatives.

**Fiscal Impact**

Minimal fiscal impact associated with preparation of the draft ordinance by Community Development staff in consultation with the City Attorney.

**Attachments:**

1. Planning Commission Staff Report – September 19, 2013
2. Planning Commission Minutes – September 19, 2013 hearing
3. Letter – Testimony of Otto Fox submitted September 12, 2013
4. Letter – Testimony of Otto Fox dated October 7, 2013

**Exhibits:**

- A. Ordinance – Regional Commercial-Emergency Shelter (C-3-ES) Zone and Transitional and Supportive Housing



## CITY OF AUBURN

Planning Commission – Staff Report

Meeting Date: September 17, 2013

Prepared by: Reg Murray, Senior Planner

ITEM NO.  
V-A

ATTACHMENT 1

**ITEM V-A: ORDINANCE AMENDMENT – REGIONAL COMMERCIAL-EMERGENCY SHELTER ZONE DISTRICT; TRANSITIONAL HOUSING; AND SUPPORTIVE HOUSING (FILE 301.3(bb)).**

**REQUEST:** The City of Auburn proposes to amend the Auburn Municipal Code to create the Regional Commercial - Emergency Shelter (C-3-ES) zone district and establish standards for permanent and temporary emergency shelters. The C-3-ES zone district will include all permitted and conditionally permitted uses allowed in the C-3 zone and add emergency shelters as a use permitted by right, subject to development standards.

**RECOMMENDED MOTION:**

- A. Move to adopt Planning Commission **Resolution 13-15** recommending that the Auburn City Council adopt an ordinance which establishes the Regional Commercial - Emergency Shelter (C-3-ES) zone district; establishes standards for permanent and temporary emergency shelters; and, permits transitional and supportive housing, or as amended by the Planning Commission.

**BACKGROUND:**

In 2007, the State enacted Senate Bill 2 (SB 2) which amended California Government Code Section 65583 by requiring that jurisdictions plan for emergency shelters in the Housing Element of the General Plan. An emergency shelter is generally defined as housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less. With SB 2, jurisdictions must identify at least one zone district that can accommodate at least one year-round emergency shelter; and, emergency shelters must be allowed as a permitted use (i.e. jurisdictions cannot require a use permit or other discretionary permit).

The Auburn Planning Commission and the Auburn City Council have considered different options to satisfy the SB 2 requirements at several meetings over the last several months:

- March 5, 2013 – Commission review of the initial proposal for the Industrial (M-2) zone.
- April 8, 2013 – Initial City Council review of the M-2 zone.
- May 13, 2013 – City Council provides direction to consider a zone overlay process and potential overlay sites on Nevada Street and Wall Street.
- July 2, 2013 - Planning Commission review of an overlay ordinance and Rezone proposals for overlay sites on Nevada Street and Wall Street.
- July 22, 2013 - City Council reserves decision on the overlay ordinance and denies the Rezone proposals for the overlay sites on Nevada Street and Wall Street.
- July 29, 2013 - City Council public bus tour looking at site alternatives.

Following the denial of the Rezone proposals for the emergency shelter overlay on the Nevada Street and Wall Street sites, the Auburn City Council most recently met on August 12, 2013 to consider new alternatives. Based on public input and Council deliberation, the City Council identified several lots along Auburn Ravine Road, north of Elm Avenue (Attachment 1) as potentially appropriate lots for emergency shelters.

Since all of the lots identified by City Council are located within (and surrounded by) the Regional Commercial (C-3) zone district, Council directed staff to create a new zone district that would tier off of the C-3 zone district and add emergency shelters as a permitted use type. Staff has prepared a new code amendment which creates the Regional Commercial - Emergency Shelter (C-3-ES) zone district (see Exhibit A). Since the new zone district permits emergency shelters "by right," this new zone district will satisfy the State requirements of SB 2. The code amendment also includes development standards as permitted by SB 2.

A separate Rezone entitlement (see file RE 13-03) to rezone the Auburn Ravine Road Project Area (Attachment 1) from C-3 to C-3-ES is being processed concurrent with this code amendment.

#### ANALYSIS:

Provided below is a summary of the provisions associated with the proposed code amendments:

1. **Definitions (Exhibit A; Section One)** – The proposed ordinance provides several definitions, including ones for "Emergency Shelter," "Institutional Use," "Supportive Housing," and "Transitional Housing." The ordinance also includes a revised definition for "Family" to be consistent with current law.

***FAMILY.** One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit ~~occupying a premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house.~~ **FAMILY** shall be deemed to include the necessary servants and may include up to 5 persons not related by blood or marriage.*

The definitions provided with Exhibit A remain unchanged from the earlier versions of the code amendment reviewed by the Planning Commission.

2. **Supportive & Transitional Housing (Exhibit A; Section Two)** – Senate Bill 2, referenced above, also mandated that local jurisdictions permit "transitional housing" and "supportive housing," with such housing treated the same as any other residential use property (i.e. as a use permitted by right). In general, transitional housing means buildings configured as rental housing, but operated under program requirements that call for the termination of assistance and the recirculation of the unit to another eligible program recipient at some predetermined point in the future which shall be no less than six months; while supportive housing means housing with no limit on the length of stay that is occupied by a particular target population (generally, low income and disabled persons).

This section of the code amendment includes the necessary permitting for both transitional and supportive housing. Both housing types are allowed as permitted uses in the Multi-

family Residential (R-3) zone district, with no requirement for a use permit or other discretionary approval.

3. **Regional Commercial - Emergency Shelter Zone Established (Exhibit A; Section Three)** – Section 159.015 of the Auburn Zoning Ordinance establishes (i.e. lists) the City's various zone districts. This section amends Section 159.015 of the Auburn Municipal Code by adding the Regional Commercial - Emergency Shelter (C-3-ES) zone district.
4. **Regional Commercial - Emergency Shelter Zone (Exhibit A; Section Four)** – Section Four of Exhibit A details the Regional Commercial – Emergency Shelter (C-3-ES) zone district, including permitting and associated development standards. Pursuant to Section 159.047(B), permanent shelters will be allowed in the C-3-ES zone district; and, as required by SB 2, shelters will be permitted by right (i.e. allowed without the need for any additional discretionary action such as a use permit). Senate Bill 2 allows jurisdictions to include development standards for permanent emergency shelters, but only in specific categories. Section 159.047(C) details the development and management standards applicable to emergency shelters. Several of the standards are reviewed below; and, these standards are largely the same as those reviewed by the Planning Commission previously (except where amendments have been made by the City Council; text underlined):
  - a. Occupancy – Permanent emergency shelters would be allowed to have up to twenty-five (25) occupants at any one time. This development standard has received considerable discussion in the past, with recommendations by staff, the Commission, and Council ranging between 15-30 persons. The current draft reflects the City Council's direction from their meeting on July 22<sup>nd</sup>. The Planning Commission previously recommended occupancy for thirty (30) persons.
  - b. Parking Requirements – The proposed ordinance requires that emergency shelters provide a minimum of one parking space for each staff member plus one parking space for every four residents. This standard reflects direction from the City Council at their July 22<sup>nd</sup> hearing. The Planning Commission previously recommended a reduced standard of one parking space for every 10 residents.
  - c. Management – The management standards provided in Exhibit A are essentially the same as those reviewed previously by the Commission with two exceptions: *Item 3.a* – The City Council increased the number of on-site staff from one (1) to two (2); and, *Item 3.d* - The City Council included a standard requiring that a facility maintain a list of residents, that the list be available to the Police Department upon request, and that the Police should be notified if management removes a resident from the facility.
  - d. Facilities – The proposed ordinance specifies that shelters provide certain minimum facilities. The list of facilities includes those originally reviewed by the Planning Commission as well as several additions recommended by the City Council. The facilities added by the City Council include a common area for use by the occupants, laundry facilities, and a minimum of two showers.
  - e. Operations Plan – The ordinance includes a requirement that the shelter provide the City with a plan detailing how the facility will be operated.



5. **Temporary Emergency Shelters (Exhibit A; Section Five)** – This section provides standards for temporary shelters (Section 159.380). With this section, temporary emergency shelters would be allowed in conjunction with institutional uses (i.e. a use associated with places of worship, hospitals, educational facilities, and community service organizations). A definition for Institutional Uses is included in Section One of the ordinance.

Provisions for temporary shelters are being provided to address The Gathering Inn which currently has operations that assist the homeless throughout Placer County, including the City of Auburn. The Gathering Inn collects homeless persons at various locations in the County and takes them to different temporary facilities, rotating the operations between various participating providers (e.g. they could provide for the homeless at a facility in Roseville one day and in Auburn the next day). Including temporary shelters in the code amendments insures that the City does not make an existing operation non-compliant with the new code. Staff supports this measure since the Gathering Inn has operated in Auburn for several years with little-to-no problem.

The proposed ordinance includes standards for temporary shelters which are consistent with the standards reviewed by the Commission earlier this year with one exception - the number of occupants. The original draft ordinance limited the maximum number of occupants to 60. The Planning Commission supported increasing the maximum number of occupants to 75 persons during extreme weather conditions. The City Council initially considered different occupancy limits, however, on July 22<sup>nd</sup> the Council concurred with the Planning Commission recommendation to allow up to 60 individuals during normal operations and up to 75 persons during extreme weather events. Exhibit A reflects the revised standard.

The Planning Commission is a recommending body for this ordinance amendment. All comments and recommendations from the Commission will be forwarded to the Auburn City Council for their consideration. The tentative date for the City Council's review of this ordinance amendment is Monday, October 14, 2013.

#### **ENVIRONMENTAL SUMMARY:**

The Auburn Community Development Department reviewed this project for compliance with the California Environmental Quality Act (CEQA) and found it to be Statutorily Exempt from the provisions of CEQA per §15061(b)(3).

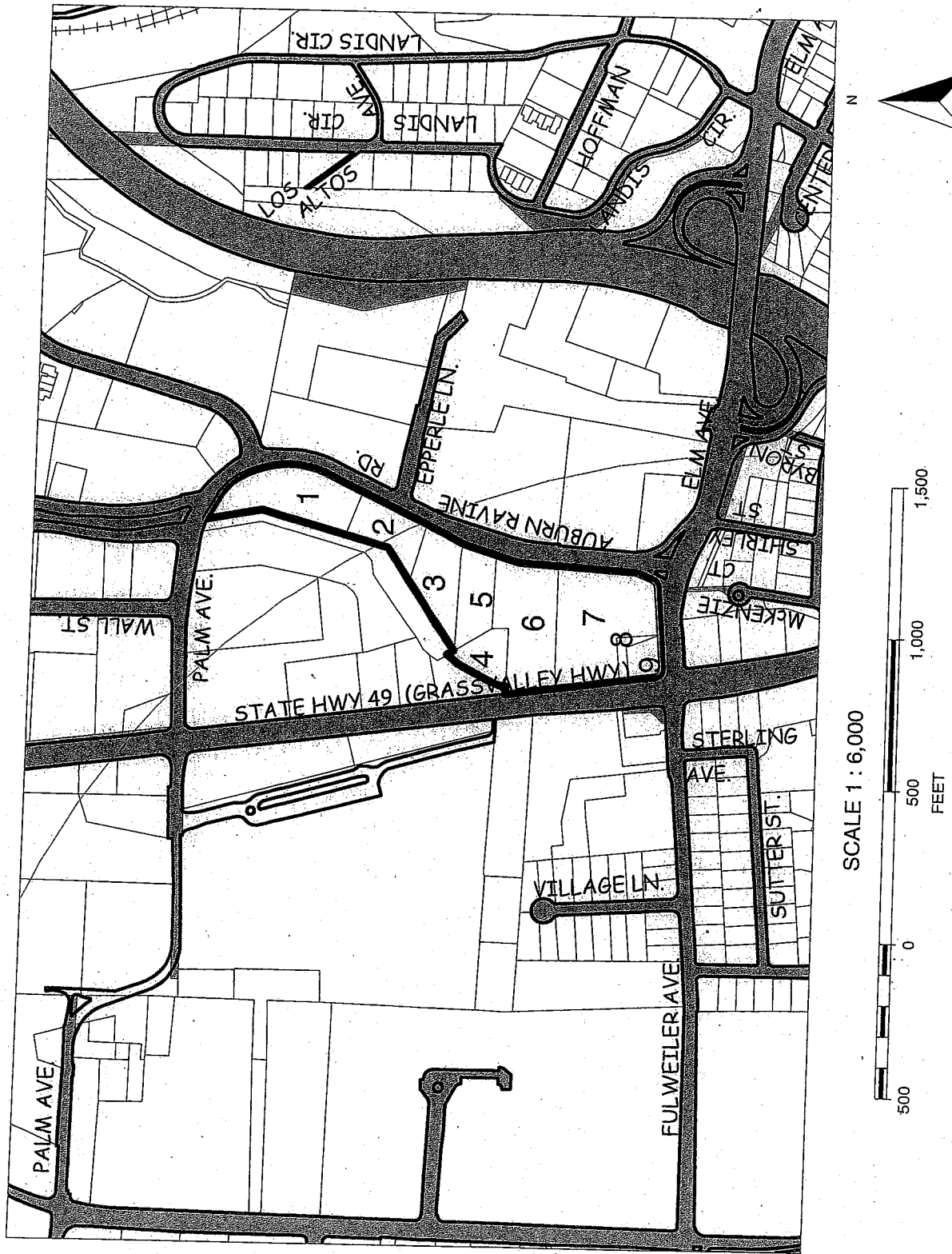
#### **ATTACHMENTS**

1. Auburn Ravine Road Project Area for the C-3-ES zone district
2. Letter from Rob Hamilton dated August 21, 2013

#### **EXHIBITS**

- A. Planning Commission Resolution 13-15 with attached Ordinance

# Emergency Shelter Rezone Project Area



## Reg Murray

**From:** Rob Hamilton <rob@rthamilton.com>  
**Sent:** Wednesday, August 21, 2013 3:55 PM  
**To:** Reg Murray  
**Subject:** Please pass along comments regarding homeless shelter to Auburn City Council

Auburn City Council,

Regarding the proposal for a homeless shelter in town:

I live in the City of Auburn and I work as a firefighter in Sacramento City. As a firefighter we come in contact with the homeless on a daily basis which is far more than the average person. To the average person, the homeless population may seem to be a group of people who have been dealt a bad set of circumstances in life. People often feel sorry for them and feel like they want to help out the homeless in some way.

In my 13 years at the fire department, myself and most of my co-workers have seen a far less flattering side of the homeless population. To put it bluntly, the homeless are actually a group of people largely made up of people who choose homelessness as a lifestyle and who feed upon the kindness of well-meaning citizens.

I have seen the homeless countless times fake an illness in order to get a ride to the hospital and then walk right back out of the hospital without being seen. Any normal person would ask why would someone do that? The answer – because the hospital was close to the place the person wanted to go. That adds up to a \$1000 cab ride entirely bourn on the backs of the tax payers. This is just one common scheme the homeless go about living off the fruits of productive citizens. The homeless live largely unhealthy lifestyles filled with alcohol and drug dependencies. These dependencies are most often supported crime.

A homeless shelter within the city of Auburn is a bad idea for our home. The only thing accomplished will be to draw more homeless to our area. Most of the homeless people that I talk with in Sacramento are from out of state and came here because they heard how great Loaves and Fishes is as well as the surrounding shelters. "Free food and shelter – Great! Let's go." Sacramento has experienced a boom in the homeless population and it was paved by well-meaning citizens who wanted to care for our homeless people. Instead, they have attracted an unproductive population - further draining city and state resources.

Please vote against any and all initiatives designed to support the homeless. Feel free to call or write me if you have any questions.

Best regards,

Rob Hamilton

Cell: 530-305-8745  
Office: 800-823-9461  
Fax: 866-537-3114

[Rob@rthamilton.com](mailto:Rob@rthamilton.com)

PLANNING COMMISSION RESOLUTION NO. 13-15

ORDINANCE AMENDMENT  
REGIONAL COMMERCIAL - EMERGENCY SHELTERS ZONE DISTRICT;  
TRANSITIONAL HOUSING; AND  
SUPPORTIVE HOUSING  
(ADMIN FILE# 301.3(bb))

P.C. EXHIBIT A

**Section 1.** The City of Auburn Planning Commission held a public hearing at its regular meeting of September 17, 2013, to consider a recommendation to the City Council to amend the Auburn Municipal Code to: establish the Regional Commercial - Emergency Shelter (C-3-ES) zone district (including standards for permanent emergency shelters); establish permitting for temporary emergency shelters; and, allow transitional and supportive housing.

**Section 2.** The City of Auburn Planning Commission has considered all of the evidence submitted into the administrative record which includes, but is not limited to:

1. Agenda report prepared by the Community Development Department for the September 16, 2013, meeting.
2. The draft ordinance for the Regional Commercial - Emergency Shelter (C-3-ES) zone district (attached).
3. Staff presentation at the public hearing held on September 17, 2013.
4. Public comments, both written and oral, received and/or submitted at or prior to the public hearing.
5. All related documents received and/or submitted at or prior to the public hearing.
6. The City of Auburn General Plan, Zoning Ordinance, and all other applicable regulations and codes.

**Section 3.** In view of all of the foregoing evidence, the City of Auburn Planning Commission recommends the following:

1. The Auburn Community Development Department reviewed this project for compliance with the California Environmental Quality Act (CEQA) and found it to be Statutorily Exempt from the provisions of CEQA per §15061(b)(3);
2. The Ordinance is consistent with the General Plan Housing Element; and,
3. The Ordinance is consistent with State law and is the minimum necessary to protect the health, safety and general welfare.

**Section 4.** In view of all the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission, upon motion by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_ hereby recommends adoption of the Statutory Exemption and recommends that the City Council approve the code amendments to: establish the Regional Commercial - Emergency Shelter (C-3-ES) zone district (including standards for permanent emergency shelters); establish permitting for

**temporary emergency shelters; and, allow transitional and supportive housing, carried by the following vote:**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**PASSED AND RECOMMENDED** this 17<sup>th</sup> day of September, 2013.

\_\_\_\_\_  
Chairman, Planning Commission  
of the City of Auburn, California

ATTEST: \_\_\_\_\_  
Community Development Department

ORDINANCE NO. 13 - \_\_\_\_\_

**AN ORDINANCE WHICH: 1) ESTABLISHES THE REGIONAL COMMERCIAL - EMERGENCY SHELTER (C-3-ES) ZONE DISTRICT; 2) ESTABLISHES STANDARDS FOR PERMANENT AND TEMPORARY EMERGENCY SHELTERS; AND 3) PERMITS SUPPORTIVE HOUSING AND TRANSITIONAL HOUSING IN THE MULTIPLE-FAMILY (R-3) ZONE DISTRICT**

**THE CITY COUNCIL OF THE CITY OF AUBURN HEREBY FINDS AS FOLLOWS:**

- A. Whereas Chapter 633, Statutes of 2007 (SB 2) clarifies housing element law to ensure that zoning encourages and facilitates emergency shelters and limits the denial of emergency shelters and transitional and supportive housing under the Housing Accountability Act; and
- B. Whereas the City of Auburn General Plan Housing Element identifies implementation programs to promote equal housing opportunities for all persons; and
- C. Whereas the City of Auburn General Plan Housing Element includes Program N to accommodate emergency shelters and transitional and supportive housing; and,
- D. Whereas the City of Auburn desires to ensure sufficient capacity to house the City's homeless population in conformance with SB 2; and
- E. Whereas the City of Auburn desires to recognize transitional and supportive housing in conformance with SB2.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY ORDAIN:**

Section One: Amend Section 59.001 (Definitions) of Title XV of the City of Auburn Municipal Code to revise the definition of **FAMILY** and add definitions for **EMERGENCY SHELTER**, **INSTITUTIONAL USE**, **SUPPORTIVE HOUSING** and **TRANSITIONAL HOUSING**, to read as follows:

**EMERGENCY SHELTER.** Shall have the same meaning as defined in subdivision (e) of Section 50801 of the Health and Safety Code.

**FAMILY.** One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit.

**INSTITUTIONAL USE.** Shall include premises associated with, but not limited to, places of worship, hospitals, educational facilities, and community service organizations.

**SUPPORTIVE HOUSING.** Shall have the same meaning as defined in subdivision (b) of Section 50675.14 of the Health and Safety Code.

**TRANSITIONAL HOUSING.** Shall have the same meaning as defined in subdivision (h) of Section 50675.2 of the Health and Safety Code.

Section Two: Amend Section 159.032 (Medium Density Multiple-family Residential District (R-3)) of Title XV of the City of Auburn Municipal Code by adding the following permitted uses:

- (A)(4) Supportive Housing
- (A)(5) Transitional Housing

Section Three: Amend Title XV, Section 159.015 (Established) of the City of Auburn Municipal Code to read as follows:

- (Z) Combining District (-P);
- (AA) Central Business -A District (C-2A); and
- (BB) Regional Commercial - Emergency Shelter District (C-3-ES)

Section Four: Amend Title XV, Chapter 159 of the City of Auburn Municipal Code by adding Section 159.047 (Regional Commercial - Emergency Shelter) as follows:

**159.047 REGIONAL COMMERCIAL – EMERGENCY SHELTER (C-3-ES).**

(A) The provisions of this subchapter are adopted to provide regulations which encourage and facilitate the operation of, development of, or conversion to, emergency shelters in accordance with state law and the city's adopted housing element.

(B) The following uses shall be permitted in the Regional Commercial – Emergency Shelter (C-3-ES) zone district:

1. All uses as permitted in the C-3 District.
2. Emergency shelters.

(C) Emergency shelters shall be subject to the following development standards:

1. **Occupancy.** The maximum number of occupants shall not exceed twenty-five (25).
2. **Parking Requirements.** Emergency shelters shall provide one parking space for every staff member present plus one parking space for every four (4) residents.
3. **Management.** The following management standards shall apply:
  - a. On-site management shall be provided by at least two (2) emergency shelter staff members at all times while clients are present at the shelter.
  - b. Security personnel shall be provided on-site during hours of operation.

- c. Hours of Operation. Shelters shall establish and maintain set hours for client intake/discharge, which must be prominently posted on-site.
  - d. Management shall maintain an active list of names of all occupants at the shelter. The list shall be provided to the Police Department upon request. Management shall notify the Police Department if they remove an occupant from the shelter.
4. **Facilities.** Shelters shall be situated in permanent premises and shall provide the following facilities:
- a. An intake/waiting area shall be provided so that clients are not required to wait on sidewalks or any other public rights-of-way.
  - b. Common area for the use of residents.
  - c. Laundry facilities.
  - d. Shower facilities – provide a minimum of two (2) showers.
  - e. Secure areas shall be provided for personal property.
  - f. Adequate interior and exterior lighting shall be provided.
  - g. Telephones shall be provided for use by clients.
5. **Operations Plan.** An operations plan is required for all emergency shelters to address management experience, good neighbor issues, transportation, client supervision, client services, and food services. The plan shall be submitted to and approved by the Community Development Department and Police Department prior to operation of the emergency shelter. The approved plan shall remain active throughout the life of the facility, and all operational requirements covered by the plan shall be complied with at all times. At a minimum, the plan shall include:
- a. A floor plan demonstrating compliance with the physical standards of this chapter.
  - b. Security and safety. Address both on- and off-site needs, including provisions to insure the security and separation of male and female sleeping areas, as well as any family areas within the facility.
  - c. Loitering/noise control. Include specific measures regarding operation controls to minimize the congregation of clients in the vicinity of the facility during hours that clients are not allowed on-site and/or services are not provided.
  - d. Management of outdoor areas. Include a system for daily admittance and discharge procedures and monitoring of waiting areas with a goal to minimize negative impacts to adjacent property.
  - e. Staff training. Insure adequate knowledge and skills to assist clients in obtaining permanent shelter.
  - f. Communication and outreach. Provide objectives to maintain effective, ongoing communication and response to operation issues which may arise within the neighborhood as may be identified by the general public or City staff.



- g. Adequate and effective screening. Identify the admittance eligibility of clients.
  - h. Litter control. Provide for the regular daily removal of litter attributable to clients within the vicinity of the facility.
  - i. Smoking/drinking/drugs. The possession, sale, and use of alcohol, tobacco, and illicit drugs shall be prohibited.
  - j. The names and contact information of all responsible parties.
- 6. Zone Specific Development Standards. An emergency shelter shall comply with all applicable development standards of the Regional Commercial zone district.
  - 7. The facility shall comply with all applicable state and local housing, building, and fire code requirements.
  - 8. The facility shall comply with all applicable state and local licensing as required for any program incidental to the emergency shelter.

Section Five: Amend Title XV, Chapter 159 of the City of Auburn Municipal Code by adding Section 159.380 (Temporary Emergency Shelters) as follows:

#### **159.380 TEMPORARY EMERGENCY SHELTERS**

- (A) The provisions of this subchapter are adopted to provide regulations which encourage and facilitate the operation of temporary (nomadic) emergency shelters.
- (B) Temporary emergency shelters are permitted as part of an institutional use.
- (C) Temporary emergency shelters shall be subject to the following standards:
  - 1. Temporary emergency shelters shall conform to the development standards identified in Section 159.047, except as modified below.
  - 2. The maximum number of occupants shall not exceed 60 persons during normal operations, and 75 occupants on severe weather dates.
  - 3. Temporary emergency shelters are not subject to any distance separation requirements.
  - 4. Emergency shelters shall not operate at the same premises more than four (4) nights per week.
  - 5. The shelter shall not operate more than 12 hours per day.
  - 6. The provision of laundry services and at least two showers shall be included as part of the Operations Plan.

Section Six: This Ordinance shall take effect thirty days following its adoption as provided by Government Code Section 36937.

Section Seven: The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Pursuant to Government Code Section

36933, a summary of this Ordinance may be published and posted in lieu of publication and posting of the entire text.

Section Eight: If any part of this Ordinance is held to be invalid, such invalidity shall not affect any other provision which reasonably can be given effect without regard to the invalid provision and, to that end, the provisions of this Ordinance are hereby declared to be severable.

DATED: \_\_\_\_\_, 2013

\_\_\_\_\_  
Kevin Hanley, Mayor

ATTEST:

\_\_\_\_\_  
Stephanie L. Snyder, City Clerk

I, Stephanie L. Snyder, City Clerk of the City of Auburn, hereby certify that the foregoing ordinance was duly passed at a regular session meeting of the City Council of the City of Auburn held on the \_\_\_\_\_ day of \_\_\_\_\_ 2013 by the following vote on roll call:

Ayes:  
Noes:  
Absent:

\_\_\_\_\_  
Stephanie L. Snyder, City Clerk

**MINUTES OF THE  
AUBURN CITY PLANNING COMMISSION MEETING  
September 17, 2013**

The regular session of the Auburn City Planning Commission was called to order on September 17, 2013, at 6:00 p.m. by Chair Spokely in the Council Chambers, 1225 Lincoln Way, Auburn, California.

**COMMISSIONERS PRESENT:** Luebkehan, Spokely, Vitas, Willick, Worthington

**COMMISSIONERS ABSENT:**

**STAFF PRESENT:** Will Wong, Community Development Director  
Reg Murray, Senior Planner

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. APPROVAL OF MINUTES**

None

**IV. PUBLIC COMMENT**

None

**V. PUBLIC HEARING**

- A. ORDINANCE AMENDMENT – REGIONAL COMMERCIAL-EMERGENCY SHELTER ZONE DISTRICT; TRANSITIONAL HOUSING; AND SUPPORTIVE HOUSING (File 301.3(bb)).** The City of Auburn proposes to amend the Auburn Municipal Code to create the Regional Commercial - Emergency Shelter (C-3-ES) zone district and establish standards for permanent and temporary emergency shelters. The C-3-ES zone district will include all permitted and conditionally permitted uses allowed in the C-3 zone while adding emergency shelters as a use permitted by right, subject to development standards.

Planner Murray presented the staff report, reviewing the history associated with the City's consideration of adopting code amendments for emergency shelters in conformance with Senate Bill 2. He reviewed the City Council's direction to create the Regional Commercial – Emergency Shelter (C-3-ES) zone district and establish development standards for both permanent and temporary emergency shelters. Planner Murray summarized several revisions to the standards as recommended by the City Council, including occupancy standards for permanent and temporary shelters, parking requirements, and staffing. Planner Murray also noted that the

Ordinance would also permit Supportive and Transitional Housing in the Medium Density Multiple-family Residential Zone District (R-3).

Chairman Spokely asked staff to clarify what the Planning Commission's prior action was relative to the previous code amendment for an overlay ordinance as well as the two overlay sites.

Planner Murray noted that the Commission supported the code amendment for the overlay ordinance, but did not support the rezone overlay for the Nevada Street site or the Wall Street site. City Council upheld the Commission's recommendation and denied the rezone proposals for the two overlay sites.

Chairman Spokely asked what became of the code amendment to establish the overlay zone district.

Planner Murray stated that City Council decided to set aside the idea of the overlay zone at its August 12<sup>th</sup> hearing and instead wanted to establish the C3-ES zone district from several properties in the C3 zone (i.e. a zone within a zone).

Chair Spokely asked if there was any real difference between the overlay process and the zone within a zone process.

Planner Murray commented that they are basically the same, except that the overlay process could be applied almost anywhere within the City, while the C3-ES zone would typically only be associated with the Regional Commercial (C3) zone.

Commissioner Luebke asked staff to describe what would happen if the City fails to designate an area for homeless shelters.

Planner Murray stated that the requirement to designate a zone district comes from a policy in the Auburn Housing Element, which was adopted in response to the requirements of Senate Bill 2 passed in 2007. If the City doesn't comply with SB 2, then the California Department of Housing and Community Development (HCD) will find the City's Housing Element to be out of compliance. This could have serious implications to the City such as: the validity of the City's General Plan could be called into question; the City could be subject to legal challenges; the City might face a moratorium on building permits; and the City would not qualify for funding programs such as CDBG loans or HOME programs for first time home buyers or housing rehabilitation.

Commissioner Luebke referred to a letter submitted by Otto Fox and questioned why the Auburn airport had not been considered for the shelters and case law about sex offenders and proximity to schools.

Planner Murray stated that the City Council asked staff to analyze the use of the Auburn airport during their April 2013 hearing. Staff reported back to Council at the

May 2013 hearing that the airport was not an option since locating a shelter at the airport requires additional permitting, which is not allowed per the requirements of Senate Bill 2.

Chair Spokely asked if the zoning at the airport could be redefined.

Director Wong commented that shelters are considered a residential use, which is highly incompatible with the airport.

Planner Murray also noted that there are other standards such as noise that also restricted shelters from the airport.

Planner Murray responded to the question regarding sex offenders in proximity to schools and noted that the City Attorney advised staff that the California Supreme Court is current case law and until they render a decision the issue is up in the air; but in general, any residency restriction is unconstitutional if it effectively prevents a registered sex offender from finding housing anywhere in the City.

Commissioner Luebke asked if sex offenders would be restricted from using a shelter in the proposed project area.

Planner Murray commented that shelters typically self-screen their facilities.

Commissioner Luebke stated that he believed there were two types of facilities, one for individuals and one for families, and asked if the City could limit the shelter to use by families only.

Planner Murray commented that the State would likely restrict the City from setting this type of restriction.

Commissioner Luebke asked if a 500' buffer from single-family property was still in effect with the current proposal as it was with the earlier proposal for the Industrial zone.

Planner Murray noted that the buffer was only associated with the proposal for the Industrial zone and was not included with the current request since Council had targeted specific lots and not an entire zone district.

Commissioner Vitas asked if the State could create an imminent domain situation and force a property owner to sell their property to someone proposing a homeless shelter.

Planner Murray stated that properties that would be zoned to allow emergency shelters would not be subject to imminent domain that would force them to sell their property.

Commissioner Vitas asked if there is precedence for this type of thing anywhere else in the State.

Planner Murray noted that SB 2 applies State-wide and that many jurisdictions already comply with the requirements of the bill.

Commissioner Vitas asked if jurisdictions are building shelters.

Planner Murray commented that some jurisdictions do have facilities, but there are no permanent facilities in Placer County.

Commissioner Vitas asked what happens if there are any nuisance issues associated with the operation of a shelter.

Planner Murray noted that a shelter must develop an operations plan which is then reviewed and approved by the Police and Community Development Departments. The City will then monitor the operation of a facility to insure compliance with the operations plan.

Commissioner Worthington asked about the distance from E.V. Cain school to the project area and why the school's proximity wasn't analyzed in the initial study prepared for the rezone.

Planner Murray noted that the City is not allowed to treat shelters any differently than other use types according to the standards of SB 2.

Commissioner Worthington asked for clarification about changes to the proposed ordinance text.

Planner Murray addressed the text changes.

Commissioner Worthington noted a new requirement to maintain a list of residents and asked if the Police Chief had reviewed the wording of the requirement.

Planner Murray noted that the City Council set the requirement.

Chairman Spokely asked staff to review the ramifications to the City if it cannot satisfy the requirements of SB 2 relating to emergency shelters.

Planner Murray summarized the requirements of SB 2 and the potential effects on the City as referenced by staff earlier in the meeting.

Chairman Spokely noted that the proposals are a mandatory step in completing the City's Housing Element and that there are penalties if the City does not.

Chairman Spokely asked if anyone was behind the penalties.

Planner Murray noted that no one person is pursuing these penalties, they are inherent consequences for not having a certified Housing Element.

Director Wong summarized the types of loans and grants the City would not be eligible for.

Commissioner Worthington asked whether regional collaboration was a possibility for the City and whether that would satisfy the City's requirements.

Planner Murray noted that the City did explore regional collaboration with the County back in May, but that the County was not interested since they were already in compliance with the requirements of SB 2.

Commissioner Willick clarified that the regional approach requires that the jurisdiction(s) must physically provide a shelter, not just allow zoning for a shelter.

Chairman Spokely asked if the City is required to provide a facility given the zoning approach the City is currently taking.

Planner Murray confirmed that the City is not required to provide, building, or finance a facility, just that it must establish zoning where a shelter would be allowed as a permitted use.

Director Wong added that most jurisdictions complied with SB 2 by amending their zoning code instead of providing a facility.

Chairman Spokely asked about the occupancy numbers for permanent shelters in the proposed code.

Planner Murray summarized the prior considerations given to the occupancy numbers for a permanent shelter and that City Council had identified an occupancy limit of 25 persons to be appropriate.

Chairman Spokely asked about the operations plan and the limitations placed on smoking, drinking, and drugs.

Planner Murray stated that the language reflected Council's direction.

Chairman Spokely asked about the comments in the Fox letter about the noticing provided for the Planning Commission hearing.

Planner Murray summarized the noticing requirements for public hearings and that proper noticing was provided for both items appearing on the evening's agenda.

Commissioner Vitas asked about buffers from tattoo businesses.

Director Wong reviewed what the State law allows jurisdictions to regulate.

Chairman Spokely commented about possible buffers around single-family residential areas when the City considered the Industrial zone district previously.

Chairman Spokely opened the public hearing.

Jerry Mifsud, Auburn Villa Apartments, stated his opposition to the Auburn Ravine Road area. He expressed his concern for seniors in the Auburn Villa apartment project, an increase in crime, and loss of revenue to businesses in the area. He suggested that the shelter should be located in the County near the services provided at the County offices.

Commissioner Luebke asked if Mr. Mifsud was in favor of the proposed code amendment for the creation of the C-3-ES zone, but not in support of the Auburn Ravine Road location.

Mr. Mifsud stated that he understood the requirement and that a location in the County would be best.

Otto Fox addressed the Commission. He noted that other a number of other jurisdictions use the industrial zone for emergency shelters and asked if the airport was zoned for industrial uses.

Chair Spokely noted that the airport has safety restrictions that disallow residential land uses in the arrival and departure zones.

Mr. Otto Fox asked why the Commission was not considering the Auburn airport.

Commissioner Worthington noted that a shelter is a residential use and is not compatible with the airport.

Mr. Otto Fox asked why other jurisdictions allowed shelters in their industrial zones.

Commissioner Worthington and Commissioner Willick noted that it is because of the restrictions associated with the airport.

Mr. Otto Fox stated that the penalties mentioned by staff were vague and wanted to know which specific laws would affect the City. He also wanted to know why the City didn't pursue collaboration with anyone besides Placer County. Mr. Fox then read his letter that was submitted on September 12<sup>th</sup> into the public record. The letter reviewed the requirements and standards of the law requiring zoning for emergency shelters as well as concerns for shelters, including property values, prior consideration at the Auburn airport, improper noticing, potential use of shelters by



sex offenders and the proximity of the Auburn Ravine Road project area to E.V. Cain school.

Commissioner Worthington commented on the statues referenced in Mr. Fox's letter and the City's ability to restrict sex offenders from residing in a shelter.

Commissioner Willick noted that it is the sex offender's responsibility to know where they are allowed to reside and the Police have the authority to arrest an offender in violation of their parole.

Mr. Otto Fox noted that the Police would only know of the offender if they asked for the occupancy list and if the offender was being truthful. He stated that the City would be exposing itself to a potential lawsuit.

Commissioner Luebke asked if Mr. Fox would consider selling their property so a shelter could be built.

Mr. Otto Fox noted that the shelter could be located on someone else's property.

Mrs. Georgia Fox stated that she and her husband have had the property on Auburn Ravine Road for over 50 years and that she is adamantly opposed to the proposed rezoning of her property.

Commissioner Worthington asked if Mrs. Fox supports the proposed code amendment creating the new zone.

Mrs. Fox stated that she was against the new zone designation.

Mr. Joseph Tucciarone stated that he owns several lots on Sacramento Street that are zoned Regional Commercial (C3) and that he supports the new Regional Commercial – Emergency Shelter zoning.

Mr. Otto Fox addressed the Commission on behalf of his brother, John Fox, a structural engineer. He questioned the timing in the preparation of the proposed ordinance and the environmental document for the rezone and requested that the City Attorney and staff outline the process and procedures used in the creation of ordinances. Mr. Fox questioned how an initial study could be prepared if the ordinance didn't already exist. He requested that a third party conduct a fundamental and economics impact review and also requested that the City prepare an environmental impact report (EIR).

Bernadette Ambers, the McCaulou's store manager, asked what was considered before the C-3-ES zone, where the McCaulou's store is in relation to the project area, and whether there were any other C-3 zones in the City.

Chairman Spokely reviewed the State requirements from SB 2, the City's previous considerations for the zoning to allow emergency shelters, and provisions of the C-3 zone.

Commissioner Worthington commented on the number of Planning Commission hearings that have been held, the State's requirements to pick a zone, and prior zone considerations reviewed by the City.

Ms. Ambers asked if the restrictions being considered with the C-3-ES zone are less than what was previously considered with the Industrial zone.

Chairman Spokely summarized the City's review process of the different zoning options to date and the current proposal being considered.

Ms. Ambers asked if another location would need to be found if the current proposal is not approved.

Chairman Spokely noted that the City has a State mandate to zone for emergency shelters.

Ms. Ambers asked about the timing requirements for the mandate and questioned the City's timing for the proposal.

Curtis Fox stated that he is against the C-3-ES zone district because the designation will impact the future of whichever location is selected.

Chairman Spokely closed the public hearing at 7:40 p.m. for a five minute recess.

Chairman Spokely reopened the public hearing at 7:45 p.m.

Walter Winfrey, DDS, asked about what specific monies the city is currently getting that it would lose by not adopting the proposal.

Chairman Spokely closed the public hearing.

Chairman Spokely summarized the history behind the City's process establish zoning for emergency shelters.

Director Wong reviewed the potential effects if the City does not designate a zone for emergency shelters, but noted that the ramifications are a side issue; the important thing is that the mandate is a State law that the City can't ignore, that the code amendment must get done.

Chairman Spokely commented on the extensive size of the C-3 zone as the likely reason for Council's selection of these lots.

Director Wong noted that Council did not select the C-3 zone, but instead selected the lots in the project area. The C-3-ES zone was selected for the code amendment since all of the lots are located within the C-3 zone. Council doesn't have the intention of targeting more C-3 zone lots; in the future, property owners would need to request a rezone of their property to allow shelters.

Commissioner Worthington noted that Council settled on the C-3 zone.

Director Wong summarized the scope of the City Council's review during its deliberations to find locations.

Commissioner Vitas asked what could happen if the Commission supported the zone district but not the specific lots.

Chairman Spokely pointed out that a similar situation happened with the Commission's actions on the previous code amendment for the overlay zone and overlay sites - the Commission supported the overlay zone but did not support the two overlay sites on Nevada Street or Wall Street.

Commissioner Luebkehan asked how many C-3 zones the City has.

Director Wong summarized the locations of the C-3 zones.

Planner Murray characterized the types of uses allowed in the C-3 zone.

Chairman Spokely noted some of the changes to the code amendment, such as the maximum occupancy permitted in shelters, and asked the Commission if they had any questions about the proposed code amendments.

Commissioner Luebkehan noted that some of the standards set by the Council are more restrictive than the Planning Commission's recommendations, but deferred to the Council's decision, though it makes it more difficult to manage a homeless shelter.

Commissioner Worthington confirmed that the maximum term for residency would be 6 months. She also noted the Commission's discussion from July 2<sup>nd</sup> regarding temporary shelters.

Commissioner Luebkehan asked if it would be possible for the Commission to expand the request to more zones such as the C-1 zone so as to have more options available to the City Council.

Planner Murray commented that the proposal was only for the C-3-ES zone, though the Commission could provide additional recommendations for alternatives if it wished to.

Commissioner Luebke stated that he felt the focusing only on this C-3 zone narrows the focus for consideration too much, particularly if new ideas should happen to come up in the next few weeks when this item goes to Council.

Chairman Spokely commented that he liked the idea of making the ES designation more "portable" to apply to other areas.

Director Wong recommended that the Commission take action on the proposal that is before it. He also noted that the Commission could make additional recommendations if it wanted to apply an ES designation to the other commercial zones, but cautioned that the C-1 and C-2 zones are typically located closer to residential zones.

Commissioner Worthington agreed that limiting the ES designation to just the C-3 zone was too restrictive, that more opportunities are available with the C-1 and C-2 zones, and that the Commission should consider broadening the application of the ES zone to more of the commercial areas. She noted that the standards in the code amendment have been strengthened and has no objections to any of the changes.

Commissioner Willick asked what zones other jurisdictions were typically using to satisfy the requirements for emergency shelters.

Planner Murray noted that the zoning varied from jurisdiction to jurisdiction, that staff saw shelters in many different zone districts including industrial, commercial, and multi-family residential, those most jurisdictions seemed to prefer the industrial zones.

Commissioner Willick stated that the M-2 zone is the most fitting zone for shelters.

Commissioner Luebke agreed. He asked what different industrial zone districts the City has.

Planner Murray reviewed the City's industrial zone districts.

Commissioner Worthington asked what type of industrial zone district applied to the Borland Avenue area.

Planner Murray noted that the Industrial (M-2) zone applied to Borland Avenue.

Commissioner Luebke suggested considering approval of the M-1 and M-2 zones with an ES as well as the C-3-ES.

Director Wong reviewed the prior M-2 consideration and noted that the M-1-ES or M-2-ES wouldn't work unless Council chooses specific properties. Since Council already rejected the M-2 zone, they may not support an M-1-ES or M-2-ES.

Chairman Spokely commented that the Commission needs to react to the proposal before it.

Commissioner Luebkehan suggested that the Commission provide Council with options given that the Commission previously expressed preference for the M-2 zone.

Chairman Spokely summarized the Commission's prior review on previous options.

Commissioner Luebkehan stated that he was not in favor of the C-3 area because it is not a good match to have shelters next to commercial, retail, and business offices. Homeless shelters should be in light industrial areas like other jurisdictions have done. He recognized that no one is going to be happy with whichever zone is selected, but the best option for shelters is the M-1 and M-2 zones.

Commissioners Worthington and Willick noted that the Commission's consideration of the homeless shelter issue came full-circle and that their recommendation is for industrial.

The Commission discussed whether they should recommend the M-2 zone that was originally considered by the City or whether they should recommend an ES designation for the M-1 and M-2 zones.

Commissioner Luebkehan asked what it would mean to go with an ES designation for the M-1 or M-2 zone.

Planner Murray summarized the original M-2 zone proposal, and then noted that with the ES designation, you would need to identify specific lots instead of a zone district.

Commissioner Luebkehan stated he wanted the M-1 and M-2 zones.

Director Wong noted that the original proposal was just for the M-2 zone.

Commissioner Luebkehan asked for clarification between the M-1 and M-2 zones.

Director Wong summarized some differences and noted locations.

Commissioner Willick **MOVED** to recommend denial of the Ordinance Amendment to establish the Regional Commercial - Emergency Shelter (C-3-ES) zone district.

Commissioner Vitas **SECONDED** the motion.

AYES:	Luebkehan, Spokely, Vitas, Willick, Worthington
NOES:	None
ABSTAIN:	None
ABSENT:	None

The motion was **APPROVED**.

The Planning Commission unanimously stated that the Regional Commercial (C-3) zone is not an appropriate zone for emergency shelters, that the Industrial (M-2) zone district is the most appropriate zone district for emergency shelters, and that the Council should reconsider the M-2 zone.

Chairman Spokely explained to the public the actions taken by the Commission.

**B. REZONE – REGIONAL COMMERCIAL-EMERGENCY SHELTER (AUBURN RAVINE ROAD PROJECT AREA) – FILE# RE 13-3.** The City of Auburn is proposing to rezone nine (9) lots, generally located west of Auburn Ravine Road and north of Elm Avenue, from Regional Commercial (C-3) to Regional Commercial – Emergency Shelter (C-3-ES). The new C-3-ES zone will include all permitted and conditionally permitted uses currently allowed in the C-3 zone while adding emergency shelters for the homeless as a use permitted by right, subject to development standards.

Planner Murray presented the staff report for the Regional Commercial – Emergency Shelter (C-3-ES) rezone proposal associated with the Auburn Ravine Road project area. He reviewed the rezone proposal and the project area, as well as the existing zoning and land uses of the project area and the surrounding properties. He noted that the project area could be considered an appropriate location give compatibility with uses in the zone, size and availability of parcels, proximity to services and transit, and applicability of the C-3-ES development standards.

Commissioner Worthington commented that only one of the lots is vacant and questioned why the area was selected.

Planner Murray noted that the State has no requirements as to whether the parcels in the selected zone district are developed or undeveloped.

Commissioner Worthington commented on different ways to review and evaluate properties.

Chairman Spokely asked if someone could apply to the City for a use permit to operate an emergency shelter currently.

Planner Murray stated that the City's zoning ordinance does not currently address emergency shelters; and that, barring an opinion to the contrary from the City Attorney, if a use is not included in the ordinance that use is not permitted in the City.

Director Wong reaffirmed that a use is not permitted if it is not included in the City's zoning ordinance. The City has not received a request for a shelter since the

Testimony of Otto Fox  
On behalf of Kenneth and Georgia Fox

Summary:

Chapter 633 as enacted on January 1, 2007 requires that the housing element of a general plan of a city and/or county contain an assessment of housing needs, including an inventory of land suitable for residential development, and a program to identify adequate sites with zoning where emergency shelters are allowed.

Background:

Homelessness is a statewide problem that affects many cities and counties. An estimated 360,000 individuals and families are considered homeless in California. Many causes of homelessness are mental illness, substance abuse, prison release, and lack of affordable housing. Because homelessness affects people of all races, gender, age, and geographic location there is a growing need for every city and county to plan for the location of adequate emergency shelters.

Many people experiencing homelessness, primarily youth and single individuals, need shelter but also have a need for residential substance abuse and mental health services. In order to ensure access to services in every city and county for homeless individuals and families, it is important that cities and counties plan for these services to address the special needs and circumstances of this population.

Under this law, an assessment of emergency shelter needs should contain an analysis of population and employment trends and an inventory of land suitable for residential development, including vacant sites having potential for redevelopment with the relationship of zoning and public facilities, schools and services to these sites.

*Assumption: Public facilities and services to these sites include those services which meet the needs of the population being housed, including, but not limited to - residential substance abuse, prison release, parole services, and mental health services.*

The law requires identification of a zone or zones that can accommodate at least one year-round emergency shelter. If the local government can't identify such zone(s) with sufficient capacity, efforts shall be made to amend its zoning ordinance to meet these requirements. Accordingly, the local government may apply written objective standards that may include: maximum number of beds or persons permitted to be served nightly by the facility; off-street parking based upon demonstrated need; size and location of exterior and interior onsite waiting and client intake areas; a provision of onsite management; proximity to other emergency shelters; and security during hours that the emergency shelter is in operation.

The need for emergency shelter shall be assessed based on annual and seasonal need. The assessment shall identify public and private nonprofit corporations known to the local government which have legal and managerial capacity to acquire and manage these housing developments.

Assumption: Assessment of emergency shelter locations must consider where these local and non-profit corporations are located. Such services should include but not be limited to county public assistance programs, county prison facilities, parole services and county health services (i.e. locations near to the current DeWitt county facilities, such as Auburn Muni Airport, which is 1.4 miles from hospital services and 1.6 miles from county jail, parole and health services). Locating emergency shelters under this assumption would be considered "Feasible", as defined in the aforementioned chaptered legislation, in a means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Assumption: Locating an emergency shelter at the Auburn community airport will allay concerns among local commercial and residential property owners on and around the proposed Auburn-Ravine Rd locations. Clearly, some home buyers will take the proximity of a homeless shelter (or stigma of the emergency shelter zoning) into account when buying a home. This will affect resale prices and overall values, and of course the local tax base.

Other Community Concerns: It has come to our attention that Senate Bill 2, Chapter 633 of 2007 should have been addressed by city management shortly after its enactment. As well, this issue was raised on record several times during public discussion. In response, city management deferred this issue due to higher priorities. As commercial property owners within the city, we do not believe our interests, or the interests of local home owners were considered. It is also our understanding that the Auburn Municipal Airport was not considered due to the resistance of airport users citing high value aircraft that might become targets of equipment theft. In addition, the affected groups were not properly notified to testify at these recent hearings.

Additional Statutes that effect the selection of said parcels: Assembly Bill 13 (Chapter 463, Statutes of 2005), concerning Parole placement.

Under existing law, an inmate who is released on parole for certain sex offenses involving child victims or dependent persons is prohibited from residing within one-quarter mile of any public or private school, for the duration of his or her parole.

This bill (AB 113, Chapter 463) would prohibit, in addition, an inmate who is released on parole for those sex offenses whom the Department of Corrections and Rehabilitation determines to pose a high risk to the public from residing within one-half mile of a public or private school.

Concern: There will be some person(s) that fits this category who will reside in the proposed location despite parole requirements, making these properties unacceptable due to their proximity to E.V. Cain School. This could result in harm to Auburn's vulnerable population as well as a potential liability to the city.



Fact: Selected addresses along Auburn-Ravine Road and Grass Valley Highway are located near the E.V. Cain School as follows:

- Lot 1 - 1,164 feet
- Lot 2 - 1,035 feet
- Lot 3 - 900 feet
- Lot 4 - 757 feet
- Lot 5 - 902 feet
- Lot 6 - 931 feet
- Lot 7 - 1,092 feet
- Lots 8 and 9 - 1,139 feet

This is contrary to the draft "Evaluation of Environmental Impact Study which indicates that these 9 properties have "No Impact". More specifically, impact to public services such as schools.

Additional complaints regarding notification: Per SB-2 (Cedillo) Chapter 633, Statutes of 2007: "A local government should not require public notice of its consideration of emergency shelter proposals unless it provides public notice of other non-discretionary actions. For example, if a local government permits new construction of a single-family residence without discretionary action and public notice is not given for these applications, then a local government should employ the same procedures for emergency shelter applications. The appropriate point for public comment and discretionary action is when zoning is being amended or adopted for emergency shelters, not on a project-by-project basis.

Accordingly, at an Auburn Planning Commission Meeting held on July 2<sup>nd</sup>, Planner Murray stated that public notice complies with State law and included publication in the Auburn Journal and a mailing to all property owners within 500' of the project area.

Fact: Mailing to property owners was not adequately performed, whereas, Kenneth and Georgia Fox first became aware of the issue when reading an article in the Auburn Journal. Also, a close-by residential area (located on Mikkelsen rR) was not notified, since it was just outside the notification area as a result of this minimum effort made to the community.

Testimony of Otto Fox  
On behalf of Kenneth and Georgia Fox  
October 7, 2013

**SB 2, Chapter 633, Statutes of 2007**

Chapter 633 as enacted on January 1, 2007 requires that the housing element of a general plan of a city and/or county contain an assessment of housing needs, including an inventory of land suitable for residential development, and a program to identify adequate sites with zoning where emergency shelters are allowed.

**Background:**

Homelessness is a statewide problem that affects many cities and counties. An estimated 360,000 individuals and families are considered homeless in California. Many causes of homelessness are mental illness, substance abuse, prison release, and lack of affordable housing. Because homelessness affects people of all races, gender, age, and geographic location there is a growing need for every city and county to plan for the location of adequate emergency shelters.

Many people experiencing homelessness, primarily youth and single individuals, need shelter but also have a need for residential substance abuse and mental health services. In order to ensure access to services in every city and county for homeless individuals and families, it is important that cities and counties plan for these services to address the special needs and circumstances of this population.

Under this law, an assessment of emergency shelter needs should contain an analysis of population and employment trends and an inventory of land suitable for residential development, including vacant sites having potential for redevelopment with the relationship of zoning and public facilities, schools and services to these sites.

**Assumption:** *Public facilities and services to these sites include those services which meet the needs of the population being housed, including, but not limited to - residential substance abuse, prison release, parole services, and mental health services.*

The law requires identification of a zone or zones that can accommodate at least one year-round emergency shelter. If the local government can't identify such zone(s) with sufficient capacity, efforts shall be made to amend its zoning ordinance to meet these requirements.

The need for an emergency shelter shall be assessed based on annual and seasonal need. The assessment shall identify public and private nonprofit corporations known to the local government which have legal

and managerial capacity to acquire and manage these housing developments.

**Assumption:** *Assessment of emergency shelter locations must consider where these local and non-profit corporations are located. Such services should include but not be limited to county public assistance programs, county prison facilities, parole services and county health services (i.e. locations near to the current DeWitt county facilities, such as Auburn Muni Airport, which is 1.4 miles from hospital services and 1.6 miles from county jail, parole and health services). Locating emergency shelters under this assumption would be considered "Feasible", as defined in the aforementioned chaptered legislation, in a means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.*

#### **Previous Action Taken by the City of Auburn**

Chapter 633, was signed on January 2007, and addressed in the Auburn's current Housing Element (i.e. the 2008 Element) which was reviewed and certified by the Department of Housing and Community Development (HCD). Specifically, Auburn adopted their plan in December 2008, indicating their intentions to rezone M-2 by December 2009. This plan put Auburn in compliance with State requirements, thereby qualifying for the 2010 HOME program (administered by HCD). The HOME program enabled the City to assist four low-income families with housing rehabilitation work and two low-income families with home purchases. Unfortunately Auburn did not rezone within the one-year requirement, despite the benefit received.

On April 8th 2013, on a 5-0 vote, the Planning Commission again voted to allow the Emergency Shelter in the M-2 area with Borland Ave as the best possible site. However, this recommendation was later disregarded by the City Council, based on fencing requirements, and replaced with the current C-3 location.

The next update to the City's Housing Element is due this year (deadline is 10/31/13). The State will not certify the City's 2013 Housing Element until the City has completed its zoning for emergency shelters.

#### **AB 13, Chapter 463, Statutes of 2005, Parole Placement**

Under existing law, an inmate who is released on parole for certain sex offenses involving child victims or dependent persons is prohibited from residing within one-quarter mile of any public or private school, for the duration of his or her parole.

This bill (AB 113, Chapter 463) would prohibit, in addition, an inmate who is released on parole for those sex offenses whom the Department of Corrections and Rehabilitation determines to pose a high risk to

the public from residing within one-half mile of a public or private school.

Concern: *There will be some person(s) that fits this category who will reside in the proposed location despite parole requirements, making these properties unacceptable due to their proximity to E.V. Cain School. This could result in harm to Auburn's vulnerable population as well as a potential liability to the city.*

How other Cities or Counties dealt with this issue:

Orange County - made a presentation before the Fullerton City Council on February 1, 2013 and hosted a Community Meeting on March 11 at the Fullerton Main Public Library. The County also held additional meetings with the Fullerton School District to discuss the issues of emergency shelters. Accordingly, the following was proposed:

- The Shelter Operator will coordinate with the Fullerton Police Department, Homeless Liaison Officers on intake and internal security plans to insure the safety of the surrounding community
- A designation of emergency shelter site will take into account all applicable laws, regulations and ordinances, including but not limited to, city ordinances and State statutes related to the prohibition of registered sex offenders in certain areas in the vicinity of schools, parks and day care centers. This includes the terms of "Jessica's Law," which states that registered sex offenders can't live within 2,000 feet of a school.

City of Concord stated that no emergency shelter shall be located:

- (1) Within 300 feet of any Residential District;
- (2) Within 300 feet of another emergency or homeless shelter; and
- (3) Within 1,000 feet of an elementary school, middle school, high school, public library, or public park."

As stated: *"The distance between an emergency or homeless shelter and the uses and districts described above shall be measured in a straight line, without regard to intervening structures or objects, from the closest, portion of the building or structure in which the emergency or homeless shelter is located to the boundary of the use or district described above."*

<sup>i</sup>Using this criterion and measuring from the point where an emergency shelter may be built (on the nine lots) to the E.V. Cain Playground, the following was observed:

- Lot 1 - is 865 feet from the E.V. Cain Playground;
- Lot 2 - 713 feet;
- Lot 3 - 457 feet;
- Lot 4 - 390 feet;
- Lot 6 - 414 feet;
- Lot 7 - 584 feet; and,
- Lots 8 and 9 - 652 feet.

<sup>ii</sup>This is contrary to the draft "Initial Study - Evaluation of Environmental Impacts" which indicates that these 9 properties have "No Impact" to public services and schools.

### **Reconsider the Auburn Municipal Airport**

On April 16, 2013, the City of Auburn requested that the Placer County Transportation and Planning Agency (PCTPA) provide an analysis on whether the Airport Industrial property would be a compatible land use for Emergency Shelters. Accordingly, the following was discovered:

- Under the Placer County Airport Land Use Compatibility Plan (ALUCP), there is no specified land uses listed for Emergency Shelters; however, there is nothing that precludes them.
- An emergency shelter could potentially be included in the institutional and commercial land use category for purposes of the ALUCP
- No emergency shelter should be located in any compatibility zone except Zone C-1 of the Municipal Airport
- An emergency shelter would be consistent with airspace protection provisions provided no structure exceeds the height limitations identified for Zone C-1.
- Overall rating: "Compatible subject to Conditions" (as provided in the ALUC response)

Based on these findings and provided an emergency shelter is categorized as commercial land use consistent with hotels and motels, emergency shelters could be considered in ALUCP Compatibility Zone C1, with restrictions. As a result, shelters would generally be limited to the properties on the south side of Earhart Avenue. However, according to the PCTPA, this limitation would not be consistent with the State statute since the use would not be permitted throughout all of the AI-DC Zone.

This finding is contrary to the zoning overlay process, which enables the City to identify specific locations which it believes to be appropriate for emergency shelters, without the need to identify/select an entire zone district (i.e. individual lots or areas can be selected without regard to the zone designation of the properties).

How other Cities or Counties dealt with this issue:

<sup>iii</sup>Riverside County - A proposed ordinance would allow emergency shelters with a maximum estimated 80 people within a building approximately 10,000 sq. ft. in size. Initial findings of the County Airport Land Use Commission (ALUC) found this proposal to be inconsistent with compatibility Zones A, B1, and C standards for average intensity. However, ALUC staff revised their opinion to tie the number of beds to the distance from the runway, thereby, stating: *"No emergency shelter shall be located within 1,700 feet of any point on the centerline of a runway of a public-use airport that is less than 6,000 feet in length."*

This same limitation could apply to the south side of Earhart Avenue.

### **Approve Auburn City Planning Commission Proposal**

It is requested that the City Council approve the September 17th Planning Commission recommendation to consider M-1 and M-2 Zones as part of the Emergency Shelter Overlay. On their 5-0 decision they recognized the concerns of Auburn's citizenry and recommended moving the proposed zoning overlay away from the local schools, senior housing, and businesses in the area.

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<sup>i</sup> Based on Google Maps Distance Calculator

<sup>ii</sup> Section XIV. Public Services - "Initial Study - Evaluation of Environmental Impacts"

<sup>iii</sup> County of Riverside Airport Land Use Commission - January 13, 2011 [continued from December 9, 2010]  
(Reconsideration -originally considered on October 14, 2010)

**AN ORDINANCE WHICH: 1) ESTABLISHES THE REGIONAL COMMERCIAL - EMERGENCY SHELTER (C-3-ES) ZONE DISTRICT; 2) ESTABLISHES STANDARDS FOR PERMANENT AND TEMPORARY EMERGENCY SHELTERS; AND 3) PERMITS SUPPORTIVE HOUSING AND TRANSITIONAL HOUSING IN THE MULTIPLE-FAMILY (R-3) ZONE DISTRICT**

**THE CITY COUNCIL OF THE CITY OF AUBURN HEREBY FINDS AS FOLLOWS:**

- A. Whereas Chapter 633, Statutes of 2007 (SB 2) clarifies housing element law to ensure that zoning encourages and facilitates emergency shelters and limits the denial of emergency shelters and transitional and supportive housing under the Housing Accountability Act; and
- B. Whereas the City of Auburn General Plan Housing Element identifies implementation programs to promote equal housing opportunities for all persons; and
- C. Whereas the City of Auburn General Plan Housing Element includes Program N to accommodate emergency shelters and transitional and supportive housing; and,
- D. Whereas the City of Auburn desires to ensure sufficient capacity to house the City's homeless population in conformance with SB 2; and
- E. Whereas the City of Auburn desires to recognize transitional and supportive housing in conformance with SB2.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY ORDAIN:**

Section One: Amend Section 159.001 (Definitions) of Title XV of the City of Auburn Municipal Code to revise the definition of *FAMILY* and add definitions for *EMERGENCY SHELTER*, *INSTITUTIONAL USE*, *SUPPORTIVE HOUSING* and *TRANSITIONAL HOUSING*, to read as follows:

**EMERGENCY SHELTER.** Shall have the same meaning as defined in subdivision (e) of Section 50801 of the Health and Safety Code.

**FAMILY.** One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit.

**INSTITUTIONAL USE.** Shall include premises associated with, but not limited to, places of worship, hospitals, educational facilities, and community service organizations.

**SUPPORTIVE HOUSING.** Shall have the same meaning as defined in subdivision (b) of Section 50675.14 of the Health and Safety Code.

**TRANSITIONAL HOUSING.** Shall have the same meaning as defined in subdivision (h) of Section 50675.2 of the Health and Safety Code.

Section Two: Amend Section 159.032 (Medium Density Multiple-family Residential District (R-3)) of Title XV of the City of Auburn Municipal Code by adding the following permitted uses:

- (A)(4) Supportive Housing
- (A)(5) Transitional Housing

Section Three: Amend Title XV, Section 159.015 (Established) of the City of Auburn Municipal Code to read as follows:

- (Z) Combining District (-P);
- (AA) Central Business –A District (C-2A); and
- (BB) Regional Commercial - Emergency Shelter District (C-3-ES)

Section Four: Amend Title XV, Chapter 159 of the City of Auburn Municipal Code by adding Section 159.047 (Regional Commercial - Emergency Shelter) as follows:

**159.047 REGIONAL COMMERCIAL – EMERGENCY SHELTER (C-3-ES).**

(A) The provisions of this subchapter are adopted to provide regulations which encourage and facilitate the operation of, development of, or conversion to, emergency shelters in accordance with state law and the city's adopted housing element.

(B) The following uses shall be permitted in the Regional Commercial – Emergency Shelter (C-3-ES) zone district:

1. All uses as permitted in the C-3 District.
2. Emergency shelters.

(C) Emergency shelters shall be subject to the following development standards:

1. **Occupancy.** The maximum number of occupants shall not exceed twenty-five (25).
2. **Parking Requirements.** Emergency shelters shall provide one parking space for every staff member present plus one parking space for every four (4) residents.
3. **Management.** The following management standards shall apply:
  - a. On-site management shall be provided by at least two (2) emergency shelter staff members at all times while clients are present at the shelter.
  - b. Security personnel shall be provided on-site during hours of operation.



- c. Hours of Operation. Shelters shall establish and maintain set hours for client intake/discharge, which must be prominently posted on-site.
  - d. Management shall maintain an active list of names of all occupants at the shelter. The list shall be provided to the Police Department upon request. Management shall notify the Police Department if they remove an occupant from the shelter.
4. **Facilities.** Shelters shall be situated in permanent premises and shall provide the following facilities:
- a. An intake/waiting area shall be provided so that clients are not required to wait on sidewalks or any other public rights-of-way.
  - b. Common area for the use of residents.
  - c. Laundry facilities.
  - d. Shower facilities – provide a minimum of two (2) showers.
  - e. Secure areas shall be provided for personal property.
  - f. Adequate interior and exterior lighting shall be provided.
  - g. Telephones shall be provided for use by clients.
5. **Operations Plan.** An operations plan is required for all emergency shelters to address management experience, good neighbor issues, transportation, client supervision, client services, and food services. The plan shall be submitted to and approved by the Community Development Department and Police Department prior to operation of the emergency shelter. The approved plan shall remain active throughout the life of the facility, and all operational requirements covered by the plan shall be complied with at all times. At a minimum, the plan shall include:
- a. A floor plan demonstrating compliance with the physical standards of this chapter.
  - b. Security and safety. Address both on- and off-site needs, including provisions to insure the security and separation of male and female sleeping areas, as well as any family areas within the facility.
  - c. Loitering/noise control. Include specific measures regarding operation controls to minimize the congregation of clients in the vicinity of the facility during hours that clients are not allowed on-site and/or services are not provided.
  - d. Management of outdoor areas. Include a system for daily admittance and discharge procedures and monitoring of waiting areas with a goal to minimize negative impacts to adjacent property.
  - e. Staff training. Insure adequate knowledge and skills to assist clients in obtaining permanent shelter.
  - f. Communication and outreach. Provide objectives to maintain effective, ongoing communication and response to operation issues which may arise within the neighborhood as may be identified by the general public or City staff.

- g. Adequate and effective screening. Identify the admittance eligibility of clients.
  - h. Litter control. Provide for the regular daily removal of litter attributable to clients within the vicinity of the facility.
  - i. Smoking/drinking/drugs. The possession, sale, and use of alcohol, tobacco, and illicit drugs shall be prohibited.
  - j. The names and contact information of all responsible parties.
6. Zone Specific Development Standards. An emergency shelter shall comply with all applicable development standards of the Regional Commercial zone district.
  7. The facility shall comply with all applicable state and local housing, building, and fire code requirements.
  8. The facility shall comply with all applicable state and local licensing as required for any program incidental to the emergency shelter.

Section Five: Amend Title XV, Chapter 159 of the City of Auburn Municipal Code by adding Section 159.380 (Temporary Emergency Shelters) as follows:

**159.380 TEMPORARY EMERGENCY SHELTERS**

- (A) The provisions of this subchapter are adopted to provide regulations which encourage and facilitate the operation of temporary (nomadic) emergency shelters.
- (B) Temporary emergency shelters are permitted as part of an institutional use.
- (C) Temporary emergency shelters shall be subject to the following standards:
  1. Temporary emergency shelters shall conform to the development standards identified in Section 159.047, except as modified below.
  2. The maximum number of occupants shall not exceed 60 persons during normal operations, and 75 occupants on severe weather dates.
  3. Temporary emergency shelters are not subject to any distance separation requirements.
  4. Emergency shelters shall not operate at the same premises more than four (4) nights per week.
  5. The shelter shall not operate more than 12 hours per day.
  6. The provision of laundry services and at least two showers shall be included as part of the Operations Plan.

Section Six: This Ordinance shall take effect thirty days following its adoption as provided by Government Code Section 36937.

Section Seven: The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Pursuant to Government Code Section

36933, a summary of this Ordinance may be published and posted in lieu of publication and posting of the entire text.

Section Eight: If any part of this Ordinance is held to be invalid, such invalidity shall not affect any other provision which reasonably can be given effect without regard to the invalid provision and, to that end, the provisions of this Ordinance are hereby declared to be severable.

DATED: \_\_\_\_\_, 2013

\_\_\_\_\_  
Kevin Hanley, Mayor

ATTEST:

\_\_\_\_\_  
Stephanie L. Snyder, City Clerk

I, Stephanie L. Snyder, City Clerk of the City of Auburn, hereby certify that the foregoing ordinance was duly passed at a regular session meeting of the City Council of the City of Auburn held on the \_\_\_\_\_ day of \_\_\_\_\_ 2013 by the following vote on roll call:

Ayes:

Noes:

Absent:

\_\_\_\_\_  
Stephanie L. Snyder, City Clerk

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